



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
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NEW YORK, NY 10007-1866

JUN 13 2007

Robert Arnold  
Division Administrator  
Federal Highway Administration  
Leo W. O'Brien Federal Building, 7<sup>th</sup> Floor  
Clinton Avenue and North Pearl Street  
Albany, NY 11101

Dear Mr. Arnold:

The Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration/New York State Department of Transportation's (NYSDOT) draft environmental impact statement (EIS) to evaluate the rehabilitation or replacement of the Kosciuszko Bridge (CEQ# 20070103). The bridge carries a 1.1-mile segment of the Brooklyn-Queens Expressway over Newtown Creek, which forms the border between Kings and Queens Counties in New York State. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act.

In addition to the no action alternative, two alternatives would rehabilitate the existing bridge and construct a new parallel bridge, and three alternatives would replace the existing bridge. The draft EIS does not identify a preferred alternative. The stated purpose of the project is to address safety, capacity, operational and structural deficiencies experienced within the project limits that, if not addressed, will continue to worsen. The existing highway within the project limits has an elevated accident rate, insufficient road shoulders, narrow travel lanes, insufficient acceleration/deceleration lanes, and non-standard stopping sight distances. The Kosciuszko Bridge is over 65 years old, has been subjected to significantly higher traffic volumes than it was designed to carry, and requires considerable rehabilitation. Based on our review, we offer the following comments.

Air Quality:

Table IV-25 should be revised to reflect the new PM<sub>2.5</sub> daily standard of 35  $\mu\text{g}/\text{m}^3$  (71 FR 61144).

The final EIS should recognize and discuss the differences between the conformity-related hot-spot analysis for PM<sub>2.5</sub> and the microscale analysis performed under NEPA. The hot-spot analysis required by the conformity rule (40 CFR 93.116(a)) is based on the standard in place when the area was designated to be in non-attainment (i.e., the 65  $\mu\text{g}/\text{m}^3$  PM<sub>2.5</sub> daily standard). However, the 35  $\mu\text{g}/\text{m}^3$  standard is currently in place and any discussion of air quality impacts under NEPA should be made with reference to the new standard.



Page IV-148: The draft EIS incorrectly identifies a maintenance period for National Ambient Air Quality Standard as lasting ten years. Once a non-attainment area has been redesignated to attainment, the maintenance period is 20 years.

Page IV-163 refers to a USEPA screening procedure for construction emissions. We believe the procedure being referred to is NYSDOT's.

EPA recommends that NYSDOT review the recent National Cooperative Highway Research Program report titled "Analyzing, Documenting, and Communicating The Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" (Project 25-25, Task 18) to evaluate whether the mobile source air toxics analysis in the draft EIS should be updated.

The final EIS should discuss New York State's diesel retrofit law (§19-0323) and how it applies to NYSDOT, including any assumptions related to equipment emission rates used in the construction analysis. If NYSDOT determines that the law does not apply, EPA encourages NYSDOT to consider adopting "clean diesel" practices as air quality mitigation measures during construction, such as requiring the cleanest engines on non-road construction equipment (for example, Tier 4 engines will be available during the project's construction phase) or best available retrofit technology for older engines. Non-road equipment will be required to use ultra-low sulfur diesel fuel by 2010.

Construction impacts must be considered in the PM2.5 hot-spot analysis for any alternative for which construction will last more than five years (40 CFR 93.123(c)(5))

#### General Comments:

While all of the build alternatives meet the purpose and need of the project to different extents, and have similar environmental impacts, the bridge replacement alternatives would decrease the long term impacts to Newtown Creek by removing the existing bridge piers from the littoral zone as compared to the rehabilitation alternatives.

As the site is located in the Brooklyn-Queens Aquifer System, designated by the EPA as a Sole Source Aquifer in 1975, EPA has also reviewed the project in accordance with Section 1424(e) of the 1974 Safe Drinking Water Act, PL 93-523. Based on our review of the information provided, we do not anticipate that this project will result in significant adverse impacts to ground water quality. Accordingly, the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act.

We would also like to take this opportunity to acknowledge NYSDOT's planned use of Environmental Performance Commitments for the utilization of materials, energy, emissions, and waste. Resource conservation and pollutions prevention continue to be priorities for the region.

In conclusion, based on our review and in accordance with EPA policy, we have rated this draft EIS, and each of the action alternatives as EC-2, indicating that we have environmental concerns

(EC) about potential air quality impacts that should be addressed in the final EIS. Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Filippelli". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

John Filippelli, Chief  
Strategic Planning and Multi-Media Programs Branch

cc: Norik Taevossian, P.E., NYSDOT